

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

C O N F I D E N T I A L STATE 110168

E.O. 11652: XGDS-1

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO CASE - EXTRADITION LAW

REFS: (A) SAN JOSE 1343; (B) SAN JOSE 1541

1. WE HAVE REVIEWED WITH INTEREST EMBASSY COMMENTS ON FOREIGN MINISTRY MEMORANDUM ON EXTRADITION TREATY. THAT MEMORANDUM IS BEING TRANSLATED AND DEPT. WILL SUPPLY EMBASSY WITH DETAILED ANALYSIS ONCE IT HAS BEEN CAREFULLY STUDIED. IN MEANTIME IT WOULD APPEAR THAT CURRENT EXTRADITION LAW PRESENTS A SERIOUS OBSTACLE TO THE SUCCESSFUL EXTRADITION OF VESCO.

2. IN REFTTEL (A) THE EMBASSY REPORTED ODUBER STATEMENT THAT HIS ADMINISTRATION WAS WORKING ON A REVISION OF THE EXTRADITION LAW AND THAT HE WOULD BE WILLING TO SEND A REPRESENTATIVE TO THE U.S. TO DISCUSS CONTEMPLATED CHANGES WITH INTERESTED USG OFFICIALS "TO INSURE THAT ANY OBSTACLES THAT MIGHT EXIST IN THE VESCO LAW WOULD BE REMOVED IN THE NEW LAW." IN REFTTEL (B) EMBASSY REPEATED EARLIER RECOMMENDATION THAT COSTA RICAN ATTORNEY BE HIRED TO  
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UNDERTAKE THOROUGH ANALYSIS OF CURRENT EXTRADITION LAW.

3. WE ARE INTERESTED IN PURSUING ODUBER'S OFFER TO CONSULT ON REVISIONS OF CURRENT LAW IN ORDER TO TEST HIS WILLINGNESS TO REMOVE OBSTACLES TO VESCO'S EXTRADITION. WE HAVE IN MIND AN APPROACH ON LINES OF PARA. 4, BUT BEFORE PROCEEDING, WE WOULD LIKE YOUR ASSESSMENT OF ANY POSSIBLE PITFALLS.

A. TO BEST OF OUR KNOWLEDGE THIS IS FIRST CLEAR EXPRESSION OF GOCR INTENT TO SEEK ITS OWN REVISION OF EXTRADITION LAW. IN JUDGMENT OF EMBASSY, IS IT PROBABLE GOCR INTENT TO POSTPONE ASSEMBLY ACTION ON PREVIOUSLY INTRODUCED OPPOSITION BILL BY INDICATING THAT ADMINISTRATION HAS ITS OWN BILL UNDER PREPARATION. IF SO, WOULD THIS EFFORT SUCCEED? IF WE WERE TO ACCEPT ODUBER'S OFFER TO CONSULT, WOULD THIS INFORMATION BE USED BY GOCR IN EFFORT TO DELAY ASSEMBLY CONSIDERATION OF OPPOSITION BILL?

B. DOES EMBASSY BELIEVE PURSUIT OF NEW BILATERAL TREATY MIGHT PROVE TO BE FASTEST MEANS OF OVERCOMING OBSTACLES IN "VESCO" LAW? CAN WE EFFECTIVELY PURSUE REVISION OF LAW AND TREATY NEGOTIATION SIMULTANEOUSLY?

C. IF WE WERE TO ACCEPT ODUBER OFFER TO CONSULT, WOULD EMBASSY STILL RECOMMEND EMPLOYMENT OF LOCAL ATTORNEY TO ANALYZE PROVISIONS OF CURRENT EXTRADITION LAW?

4. UNLESS YOU SEE OBJECTIONS, WE WOULD INSTRUCT YOU TO CONTACT ODUBER AND TO REPLY TO HIS SUGGESTION ALONG THE FOLLOWING LINES: THE DEPARTMENT OF STATE AND OTHER INTERESTED U.S. AGENCIES WERE VERY PLEASED WITH THE PRESIDENT'S COMMENTS AT HIS LUNCHEON WITH YOU THAT HE IS WORKING ON A REVISION OF THE EXTRADITION LAW AND WOULD BE PREPARED TO HAVE SOMEONE COME TO THE UNITED STATES TO DISCUSS THE PROPOSED REVISIONS WITH APPROPRIATE U.S. OFFICIALS "TO INSURE THAT ANY OBSTACLE THAT MIGHT EXIST IN THE VESCO LAW WOULD BE REMOVED IN THE NEW LAW." WE HAVE NOW RECEIVED THE FOREIGN MINISTRY'S REPLY TO OUR CONFIDENTIAL

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EARLIER COMMENTS ON THE EXTRADITION LAW. ALTHOUGH THE EXPLANATIONS OF THE FOREIGN MINISTRY ARE HELPFUL, IN OUR OPINION THE LAW AS IT NOW STANDS PRESENTS SEVERAL OBSTACLES TO THE EXTRADITION OF ROBERT VESCO ON ANY

CHARGES THAT MIGHT BE BROUGHT AGAINST HIM. WASHINGTON THEREFORE WOULD BE HAPPY TO ACCEPT PRESIDENT'S SUGGESTION THAT A MEETING BE ARRANGED IN THE UNITED

STATES WITH HIS REPRESENTATIVE TO DISCUSS THE PROPOSED REVISIONS WHEN THEY ARE READY. WOULD THE PRESIDENT BE IN A POSITION TO ARRANGE SUCH A MEETING IN THE NEAR FUTURE?

5. AS LEGISLATURE RECONVENES MAY 15, WE WOULD LIKE TO PROCEED ON THIS MATTER ASAP. INGERSOLL

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